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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,950	06/11/2001	Henry L. Sanders	MS1-771US	3587
22801	7590	06/14/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER WU, QING YUAN	
			ART UNIT 2194	PAPER NUMBER
			NOTIFICATION DATE 06/14/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

<b>Office Action Summary</b>	Application No. 09/878,950	Applicant(s) SANDERS ET AL.	
	Examiner Qing-Yuan Wu	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7-11, 13-20 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-1-3, 7-11, 13-20 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/23/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-3, 7-11, 13-20 and 34-37 are pending in the application.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/20/07 has been entered.

#### ***Claim Objections***

3. Claim 35 is objected to because of the following informalities: The period after URL should be replace with a comma. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 2 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed invention. As to claim 2, the limitation “modifying the configuration file automatically in accordance with rules generated by an administrator” was not disclosed in the specification. As recited in claim 7, the mere absence of a positive recitation (i.e. information specifying the process in the server that will handle the request) is not a basis for the exclusion. See MPEP 2173.05(i).

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claim language is indefinite:

i. As per claim 34, it is uncertain if the configuration file comprises the identifiers (hierarchical) also comprises the “user-mode process indicators” (i.e. worker process IDs are part of configuration store and not the configuration file [414, 418, Fig. 4; URL, 404, Fig. 5]. For examination purpose, the limitation will be interpreted as claimed).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Bayeh (U.S. Patent 6,223,202).

10. Bayeh was cited in the last office action.

11. As to claim 1, Bayeh teaches the invention as claimed including a method comprising:  
receiving a request, the request comprising a hierarchical identifier [col. 8, lines 21-27];  
comparing the hierarchical identifier with at least a portion of a configuration file to  
identify the appropriate user-mode process of a server device for handling the request [col. 8,  
lines 41-44; col. 9, lines 37-40; col. 10, lines 41-47]; and

providing the request to the identified appropriate user-mode process of the server device  
that directly handles the request by providing a response for transmission to the sending device  
[col. 1, lines 46-50; col. 2, lines 33-35 and 58-61; col. 4, lines 24-27; col. 6, lines 64-66; col. 8,  
lines 44-51; col. 9, lines 41-43; col. 11, lines 5-7; 720, Fig. 5E] (The examiner's interpretation of  
the "directly handles" as receiver of the request that subsequently executes or process the request  
since the specification failed to preclude nor define this limitation).

12. As to claim 34, Bayeh teaches the invention as claimed including wherein the configuration file comprises identifiers and corresponding user-mode process indicators for handling the request [col. 8, lines 36-51; col. 9, lines 37-46; col. 10, lines 41-55].

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh as applied to claim 1 above.

15. As to claim 35, his claim is rejected for the same reason as claim 1 above. In addition, Bayeh teaches the configuration file contains elements stored as a tree-like arrangement [Fig. 5D; matching, no matching, col. 10, lines 39-55]. Bayeh does not specifically teach to reject the request if there is not a mach. However, Bayeh disclosed a designated virtual machine for handling requests with non-matching URLs [col. 10, lines 49-55]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Bayeh to alternatively include rejection of the request since one of ordinary skill in the art would know that Bayeh's teaching of handling of non-matching is to avoid rejection or dropping of requests not handled.

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16. Claims 2-3, 7-11, 13-20 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayeh as applied to claim 1 above, in view of Benitez (U.S. PG Pub 20020161908).

17. Benitez was cited in the last office action.

18. As to claim 13, this claim is rejected for the same reason as claim 1 above. In addition, Bayeh does not specifically teach performing the above function of receiving, comparing and providing by a kernel-mode process in a server device. However, Benitez disclosed the advantage of kernel-mode approach over the less efficient user-mode approach [Benitez, pg. 10, right col., line 58 to pg. 11 left col., line 7; 804, Fig. 8; 902, 905, Fig.9].

19. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Bayeh with the teaching of Benitez because of the advantage of a powerful/efficient pure kernel-mode implementation of handling requests over the less efficient user-mode approach as being considered by Benitez.

20. As to claims 14-16, these claims are rejected as claims 1 and 13 above, in addition Bayeh and Benitez do not specifically teach a user-mode administrative process, providing a configuration store suitable for access by the user-mode administrative process. However, Bayeh disclosed defining URL masks [col. 9, lines 43-44], matching URL masks that indicate the request should be sent to the application queue in a particular virtual machine [col. 9, lines 40-43]. And, Benitez disclosed a spoof database being generated by a kernel-mode process (i.e. a

client file spoofer), where access/request to a matching entry in the spoof database is directed by the client file spoofer to a remote system to handle the request [Benitez, pg. 8, lines 12-20]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that Bayeh and Benitez's system could be implemented in an alternative user-mode with the advantage of easier development and debugging as being considered in Benitez.

21. As to claim 17, Bayeh teaches the invention substantially as claimed including providing a non-shared interface between the kernel-mode process and the identified most applicable user-mode process [col. 10, lines 44-47].

22. As to claim 18, Bayeh as modified does not specifically teach selectively queuing the client device generated request prior to providing the request to the identified most applicable user-mode process. However, Bayeh disclosed queuing requests prior to assigning them to available servlets, and Benitez disclosed a caching system that will reduce the number of requests when there is a hit in the cache [1309, Fig. 13; Benitez, pg. 11, left col., lines 47-50]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that an overflow of requests can cause the system to be unstable or a reduction in its robustness, and queuing requests until it is ready to be handled provides an alternative to reducing number of requests and lowering the workload to a user-mode process.

23. As to claim 19, this claim is rejected for the same reason as claims 1 and 13 above.



24. As to claim 20, Bayeh as modified teaches the invention substantially as claimed including wherein the most applicable user-mode process includes a user-mode web server process [col. 2, lines 27-35].

25. As to claims 2-3 and 7-8, these claims are rejected for the same reason as claims 13-15 and 19-20 above.

26. As to claim 9, Bayeh as modified teaches the invention substantially as claimed including wherein the appropriate user-mode process includes at least one user-mode worker process [col. 2, lines 27-35].

27. As to claims 10-11, Bayeh as modified teaches the invention substantially as claimed including receiving the request using a kernel-mode communication protocol process, wherein the kernel-mode communication protocol process includes a kernel-mode TCP/IP process [col. 8, lines 52-56]; and providing the request to a kernel-mode process [Benitez, pg. 10, right col., lines 50-52].

28. As to claim 36, this claim is rejected for the same reason as claims 1 and 13 above.

29. As to claim 37, this claim is rejected for the same reason as claim 35 above.

*Response to Arguments*

30. Applicant's arguments filed 3/23/07 have been fully considered but are mooted in view of the new ground of rejection.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
WILLIAM THOMSON  
PATENT EXAMINER

Qing-Yuan Wu

Examiner

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